

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed July 9, 2003. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 4-5 are rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse this rejection.

The Examiner states that "the phrase 'which obtain for the business process' is unclear since it is not understood what is supposed to be obtained." Applicants respectfully submit that it is clear from the context of the claim language that "conditions which obtain for the business process" means the prevailing conditions for the business process. This is supported by the definition for "obtain" in the Merriam-Webster dictionary: "to be generally recognized or established: PREVAIL" (see <http://www.m-w.com/home.htm>). Applicants therefore respectfully request that the Examiner withdraw this rejection.

Rejections under 35 U.S.C. § 102

Claims 1-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,539,379 ("Vora"). Applicants respectfully traverse this rejection.

Vora teaches a method and apparatus for implementing a corporate directory, wherein all of the directory entries are searched to find each entry having a defined characteristic (e.g., col. 1, line 56 – col. 2, line 3). The claimed invention, on the other hand, comprises methods for searching through a hierarchical organizational structure in a particular manner to find a single position within the organization which is associated with a selected role. The invention is therefore distinct from the disclosure of Vora, as will be explained in more detail below.

Claims 1 and 25

As to claim 1, the Examiner states that Vora discloses a hierarchical organizational chart, wherein each entry in the organizational chart is associated with a data record on the employee who occupies that position. The Examiner also notes that Vora discloses a searching template for providing information upon which a search of all the positions in the organizational chart will be based. The Examiner further notes that some searches terminate with a single

data record being found, while others may return multiple data records. These teachings, however, do not meet the limitations of the claims.

Claim 1 recites:

1. A method for searching for a selected role within a hierarchical organizational structure comprising:
  - (a) identifying a first position within the organizational structure;
  - (b) identifying a second position which is immediately above the first position in the organizational structure;
  - (c) if the second position is associated with the selected role, terminating the search;
  - (d) if the second position is not associated with the selected role, searching positions below the second position in the organizational structure; and
  - (e) if the selected role is not found among the positions below the second position in the organizational structure, repeating (b)-(e) from the second position.

Applicants first point out that Vora fails to disclose the limitations of “identifying a first position within the organizational structure” and “identifying a second position which is immediately above the first position in the organizational structure.” There is no indication whatsoever that Vora identifies any particular position, or that the search is started with a second position which is immediately above the first position. Vora simply discloses that the directory is searched to find all of the entries matching the defined characteristic.

Applicants further note that the Examiner erroneously states that steps (c) through (e) of claim 1 are optional. Applicants point out that these steps are conditional, rather than optional. For example, depending upon whether or not the second position is associated with the selected role, either step (c) or step (d) will be performed. The Examiner goes on to state that these steps are disclosed by Vora, noting that a search for “Robert Hughes” would return a single record, while a search for “Engineering” would return multiple results. Applicants point out that this example itself shows that the limitations of the claim are not met. Specifically, in the “Engineering” search, if the second position were associated with this search term, the search would continue, rather than terminating, as recited in the claim. As admitted by the Examiner, “every data record in the organization would be searched.” Although less apparent, this is likely the case with the search for “Robert Hughes” as well, since there might be more than one person with the same name.

Obviously, then, since the limitations of steps (a)-(e) of claim 1 are not met, the limitation of step (e) relating to the repetition of these steps (b)-(e) cannot be met either.

#### Claim 2

As to claim 2, the Examiner states that "positions which are identified during the search query are associated with business processes." Applicants point out that the claim recites identifying "a position initiating a business process." Business are discrete processes carried on within a business, and may include such things as making purchases (para. 0034), hiring people (para. 0034), training people (para. 0063), transferring people (para. 0063), changing someone's pay (para. 0063), creating a performance plan (para. 0063), changing personnel information (para. 0063), and terminating someone (para. 0063). The claim refers to a position initiating such a discrete process, which is not disclosed by Vora. Even under the Examiner's interpretation, in which a "business process" is apparently anything associated with a business (e.g., engineering), the reference does not teach the recited limitation, as identifying "a position initiating a business process," would mean identifying the founder of a company, or a business unit within the company. Clearly, this is not taught by Vora.

#### Claim 3

As to claim 3, the Examiner states that the step of identifying the selected role consists of entering search queries in the template of Figure 5J. Applicants point out that the claim includes the limitation of "identifying a role which is required to authorize the business process." The disclosure of Vora has nothing to do with the identification of a business process initiator, and therefore fails to teach or suggest the recited limitation.

#### Claim 4

As to claim 4, the Examiner states that item 164 in Figure 5J illustrates an authorization matrix. Applicants have amended the claim to refer to an approval matrix, which is described at paragraph 0075 of the specification as a means for defining the roles participating in a particular business process. Item 164 is a field for entering an organization in the search template. The ability to designate an organization in a search form clearly does not teach or suggest the approval matrix recited in the claim.

Claim 5

As to claim 5, the Examiner states that a trip point is defined in the present specification simply as pre-defined data indicating that a condition is met. The Examiner therefore asserts that each entry in the search template of Figure 5J is a trip point. In fact, the present specification defines a trip point as "a condition which can affect the approvers/participants which are identified in connection with a business process." Applicants point out that nothing in the disclosure of Vora deals with conditions which can affect the approvers/participants identified in connection with business processes and that Vora therefore fails to teach or suggest the limitation of claim 5.

Claims 6 and 7

As to claim 6, the Examiner states that "the role of 'Engineering' is not unique to a single employee" and apparently believes that this is sufficient to teach that roles within a hierarchical organizational structure are not unique. Applicants point out that the present specification defines roles as "a subset or specialization of the roles which are superior to it in the role structure. Each role can be associated with one or more of the positions in the organizational structure, and is used as the basis for controlling the access of those employees associated with the corresponding organizational positions to particular business processes." Applicants note that Vora provides no disclosure as to business processes or the use of roles as the basis for controlling the access of those employees associated with the corresponding organizational positions to particular business processes. It is therefore evident that Vora fails to teach or suggest the limitations of either claim 6 or claim 7.

Claim 8

As to claim 8, the Examiner states that "the 'predetermined pattern' is the step of only searching for the term 'Engineering' in the data records. However, any step of querying reads as a search in a predetermined pattern, given that the pattern itself is not defined." Applicants point out that searching the hierarchical organizational structure in accordance with a predetermined pattern is distinct from searching for a selected role. The present specification points out that the downward search through the hierarchical organizational structure is normally performed in a predetermined manner (e.g., searching one subordinate position and its subordinates before searching the next position at that level). No such

predetermined pattern for searching positions in the hierarchical organizational structure is taught or suggested by Vora.

#### Claim 9

Claim 9 recites a hierarchical organizational structure and a hierarchical role structure, wherein the hierarchical role structure is distinct from the hierarchical organizational structure. The Examiner states in regard to claim 9 that Figure 3C shows a series of names organized in a hierarchical fashion. The Examiner states that, because "John Smith" is above "Lou Reed," and because "CEO" is above "CIO," that the limitation of claim 9 is met. While Vora does disclose a hierarchical organization structure, it does not disclose a role structure which is distinct from the organization structure. The reference therefore fails to teach or suggest the limitation of claim 9.

#### Claims 10-12 and 22-23

Claims 10-12 and 22-23 recite hierarchical role structures comprising combinations of functional, superiority and legal structures. The Examiner states that the simple organizational structure of Figure 3C can be read on all three of these structures, and asserts that these structures are subject to interpretation because the specification does not define them. Applicants first point out that the functional, superiority and legal roles within the hierarchical role structure are described at paragraphs 50-53 of the specification. Applicants further point out that, even if the structure disclosed by Vora could be read onto any one of these different types of role structures, this reference still fails to disclose the recited combinations of the different types of role structures. Accordingly, the reference fails to teach or suggest the limitations of claims 10-12.

#### Claims 13-17

As to claims 13-17, the Examiner states that Vora discloses hierarchies of job functions, titles, subsets of grade, EEO classifications, and job classifications (citing Figures 3C and 3E). Applicants do not agree that the cited figures disclose these limitations, and further point out that nothing in the reference teaches or suggests the combination of functional, superiority and legal structures.

Claim 18-20

As to claims 18-20, the Examiner states that the search template of Figure 5J can be used to search for a wide variety of roles, and that the searches for the roles can be made sequentially or concurrently. Applicants point out that the Examiner's cites only a figure illustrating a search template and that Vora provides no support for the assertion that this reference teaches or in any way suggests that searches should be made on multiple roles, either sequentially or concurrently. Accordingly, the reference fails to support the rejection.

Claim 21

As to claim 4, the Examiner states that "[e]ach individual [in the hierarchy] has access rights to business processes." The Examiner asserts that these access rights exist by virtue of the individuals' association with their respective departments in the hierarchy. Applicants point out that there is no support whatsoever in Vora for this assertion. This reference clearly does not disclose the use of business processes as described in the specification and does not teach or suggest the association of access rights to these processes with any members of the business organization.

Claim 24

As to claim 24, the Examiner states that Vora discloses approval matrices, trip points, selecting roles, identifying positions and obtaining approvals, based on two figures (5J and 5L). As noted above with respect to claim 4, Vora does not teach or suggest approval matrices or selecting roles from such matrices. As noted above with respect to claim 5, Vora does not teach or suggest trip points. The reference certainly does not teach or suggest "selecting a set of roles from the approval matrix based on the trip points identified in the approval matrix," as recited in the claim. As noted above with respect to claims 1 and 3, Vora does not teach or suggest identifying positions corresponding to the selected roles. Finally, although Vora discloses that email addresses may be associated with members of an organization, there is no suggestion whatsoever that any sort of approval should be obtained from positions identified through the previous steps of the recited method.

Summary of remarks regarding 35 U.S.C. § 102

As noted above, Vora teaches a method and apparatus for implementing a corporate directory, wherein all of the directory entries (members of the business organization) are searched to find each entry having a defined characteristic. A search template (Figure 5J) is disclosed for use in searching the directory. A search of the directory returns all entries that match the query in the template (e.g., col. 15, lines 25-28).

The claimed invention, on the other hand, comprises methods for searching through a hierarchical role structure in a particular manner (e.g., searching up one level in the hierarchy, and then down) to find a single position within the organization which is associated with a selected role (rather than all positions). The methods may include identifying the role upon which the search is based, potentially from an approval matrix for which trip points indicate when a role in the matrix is to be selected.

Applicants point out that, in order to anticipate a claim under 35 U.S.C. § 102, a reference must expressly or inherently describe each and every element of the claim. M.P.E.P. 2131. While it is not necessary for the reference to use the same terminology, the reference must have the elements arranged as in the claim and must show the invention in as complete detail as is contained in the claim. *Id.* Clearly, as explained above, the Vora reference does not meet these criteria and therefore cannot anticipate the claims of the present application. To the extent that the Examiner disagrees, Applicants request that the Examiner provide indications of the specific portions of the references which disclose the limitations of the claims.

Because the Examiner has failed to show that all of the limitations of the claims are disclosed by Vora, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 102 be withdrawn and the claims allowed. Applicants further note that, because Vora does not disclose all of the recited claim limitations, and because the Examiner has not shown that all of the limitations are disclosed in any other references, a *prima facie* case of obvious cannot be made (see M.P.E.P. 2143).

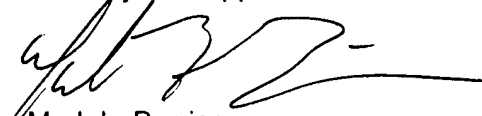
Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of all claims pending in the application. The Examiner is invited to

telephone the undersigned at the number listed below for prompt action in the event any issues remain. If any extensions of time are necessary to prevent the above referenced application from becoming abandoned, the Applicant hereby petitions for such extensions. If any fees are inadvertently omitted, or if any additional fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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Dated: 9/4/03

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